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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 EDUARDO MAGALLAN,

15 Defendant.  
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Case No. 19-cr-00122 EJD (NC)

**DETENTION ORDER**

Hearing: May 28, 2019

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18 In accordance with the Bail Reform Act, 18 U.S.C. § 3142, the Court on May 28,  
19 2019, held a detention or release hearing for defendant Magallan. The defendant is charged  
20 in this case by indictment for being a felon in possession of a firearm in violation of 18  
21 U.S.C. § 922(g)(1). The defendant appeared at the hearing with his counsel, AFD Robert  
22 Carlin, after being advised of the charge and of his rights.

23 Based on the information presented to the Court, the Court determines that the  
24 prosecution has shown by more than clear and convincing evidence that the defendant poses  
25 a danger to the community and that no combination of conditions can reasonably mitigate  
26 that danger. That danger is evidenced by Magallan's criminal record, violations while on  
27 community supervision, and conviction in 2017 for participation in a criminal street gang.  
28 As to a risk of non-appearance, the Court finds that a combination of conditions could be

1 imposed to mitigate any risk. Detention is based on danger to the community.

2       The defendant is committed to the custody of the Attorney General or his designated  
3 representative for confinement in a corrections facility separate, to the extent practicable,  
4 from persons awaiting or serving sentences or being held in custody pending appeal. The  
5 defendant must be afforded a reasonable opportunity for private consultation with defense  
6 counsel. On order of a court of the United States or on the request of an attorney for the  
7 Government, the person in charge of the corrections facility must deliver the defendant to a  
8 United States Marshal for the purpose of an appearance in connection with a court  
9 proceeding.

10       IT IS SO ORDERED.

11       Date: June 11, 2019

  
Nathanael M. Cousins  
United States Magistrate Judge